

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

ATTACHMENT L

June 30, 2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 179 of House Bill No. 4800, "An Act Making Appropriations for the Fiscal Year 2011 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 179 establishes a commission to study the organizational structure, function and operation of the judiciary, with a focus on placement of the Probation Department, Office of Community Corrections and Parole under either the Judiciary or the executive branch.

While I support some of the objectives of this section, I am concerned that the described study is overly broad in its attention on the courts and not just probation, especially during a time of already-stressed resources. I also would like to ensure that any commission focused on placement of the Probation Department, Office of Community Corrections and Parole include adequate representation from the executive branch.

For these reasons, I recommend that Section 179 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 179. (a) There shall be a special commission to investigate and study the feasibility and advisability of transferring authority over the parole board and office of probation, which for the purposes of this section shall include the office of community corrections, including the power of appointment, assignment, discipline and termination of staff, to either the chief justice for administration and management or the executive office of public safety and security, in an effort to best provide enhanced accountability, oversight, leadership, effectiveness in carrying out essential functions and efficiency of administration.

(b) The commission shall consist of 11 members, 1 of whom shall be appointed by the president of the senate who shall have expertise in applied criminal justice research, 1 of whom shall be appointed by the speaker of the house of representatives who shall have expertise in applied criminal justice research, 1 of whom shall be appointed by the minority leader of the senate who shall have expertise in financial management and public policy, 1 of whom shall be appointed by the minority leader of the house of representatives who shall have expertise in financial management and public policy, 1 of whom shall be the attorney general, who shall serve as chair, 1 of whom shall be the secretary of administration and finance or his designee, 1 of whom shall be the secretary of public safety and security or her designee, 1 of whom shall be the chief counsel of the committee for public counsel services or his designee, 1 of whom shall be the president of the Massachusetts District Attorneys' Association or his designee, 1 of whom shall be a representative of the Massachusetts Bar Association, and 1 of whom shall be a person appointed by the chief justice of the supreme judicial court who shall be a retired justice with court management experience. The members of the commission shall not be compensated for their services.

(c) The commission shall consider, but not be limited to, models from other states, best practices for management in government, performance measures, clarity of reporting and lines of responsibilities and opportunities for budget savings through efficiencies, all while protecting public safety.

(d) The commission shall study the continuum of supervision and delivery of services provided by the parole board and the office of the commissioner of probation. This study shall include all factors involved in the administration and application of criminal justice supervision and services to offenders in the community, and contacts and cooperation among the agencies and organizations providing the supervision and services. Among the areas of concentration of review for the commission shall be (1) the effectiveness of probation and parole correctional systems or services in reducing criminal activity, recidivism, and incarceration in the commonwealth using measurable outcomes, (2) the effective use of resources and coordination of services by the parole board and the office of the commissioner of probation, (3) the consistency and effectiveness of the use of assessments and graduated sanctions by the parole board and the office of the commissioner of probation, (4) the coordination by parole board and office of the commissioner of probation with the department of corrections and sheriffs with regard to compliment and duplication of services provided, (5) the effective levels of professional training for probation and parole providers, and (6) the information and data sharing practices between the agencies.

(e) The commission shall study the fiscal and operational organization of both departments, examining the functions of probation and parole officers of all levels, the operational needs of the courts, departments, parole regions, the details of caseloads specifically examining whether there are required and assigned levels of supervision, specifying what that entails.

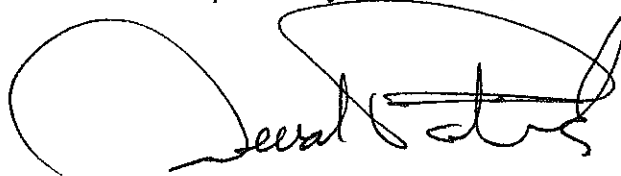
(f) The commission shall have access at any and all reasonable times to any facility, residence, program, or portion thereof that is operated, licensed or funded by the parole board or the office of the commissioner of probation, and to any and all relevant records or reports of the parole board or the office of the commissioner of probation. Any documents provided to the commission shall not be public records.

(g) The judiciary shall comply with all reasonable requests by the commission for information in furtherance of the goals stated in this section.

(h) When in furtherance of its purpose, the powers of the commission shall include, but not be limited to, the use of subcommittees and the voluntary and uncompensated services of private or public individuals, agencies, and organizations as may be available to provide, collect, analyze, and/or aggregate data and information. The commission may rely on evidence based research studies where appropriate and proven initiatives or models from other jurisdictions in making recommendations regarding expansion, consolidation, merging or any other improvement upon the existing processes and practices utilized in the supervision of offenders in the community.

(i) The commission shall report its findings and recommendations together with legislation, if any, to the clerks of the house of representatives and senate, to the joint committee on judiciary, the joint committee on public safety and the senate and house committees on ways and means not later than December 31, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Seeral" followed by a stylized flourish.